

Thursday, July 1, 2010

Division Two

A124787 – Scott McKinzie, v. Paula Roemer.

The attorney fees award is affirmed. McKinzie shall recover his costs on this appeal. Kline, P.J., We concur: Haerle, J., Richman, J. (Not for Publication.)

Friday, July 2, 2010

Division One

A124268 – Cloristeen Collins, et al., v. Plant Insulation Company.

BY THE COURT: It is ordered that the opinion filed herein on June 3, 2010, be modified as follows: (See order.)

There is no change in judgment.

Respondents' petition for rehearing is denied. Margulies, Acting P.J. (Certified for Publication.)

Division Four

A124249 – The People, v. Willie Carter.

The three-year concurrent sentence imposed for defendant's false imprisonment conviction (count 4) and the one-year concurrent term imposed for the enhancement on that count are ordered stayed pursuant to section 654, and defendant's abstract of judgment shall be modified accordingly. The trial court is directed to prepare an amended abstract of judgment, and a certified copy of the modified abstract shall be forwarded to the Department of Corrections and Rehabilitation. As for the imposition of a five-year consecutive sentence for defendant's prior conviction, the case is remanded to the trial court for further proceedings consistent with this opinion. The judgment is otherwise affirmed. Sepulveda, J., We concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Tuesday, July 6, 2010

Division Four

A124925 – The People, v. Victor R. Jaramillo.

The matter is remanded to the trial court with directions to recalculate the defendant's credits under amended section 4019. The trial court shall then prepare an amended abstract of judgment, and forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Ruvolo, P.J., We concur: Reardon, J., Rivera, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, July 6, 2010

The Court convened at 9:32 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J.; Sepulveda, J.; Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer Harjit Singh, Bailiff.

A125017 People of the State of California
v.

John Denton Simpson

Cause called. Stephanie Adraktas argued for appellant Simpson. Deputy Attorney General Sharon Birenbaum argued for respondent State of California. Cause submitted.

A126283 La Serena Properties, et al
v.

Gerald Weisbach, et al

Cause called. Scott Phillips argued for appellant La Serena. John S. Warnlof argued for respondent American Arbitration Association. Michael Higginbotham argued for respondent Weisbach. Cause submitted.

Court adjourned at 10:05 a.m.

Wednesday, July 7, 2010

Division One

A126487 – The People, v. John McMillan.

The judgment is affirmed. Banke, J., We concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

Division Two

A124985 – Evangelina Tun Cun, v. Café Tiramisu, LLC.

The judgment and the postjudgment award of attorney fees are affirmed. Café Tiramisu is awarded its costs on this appeal. Kline, P.J., We concur: Lambden, J., Richman, J. (Not for Publication.)

Division Four

A126254 – In re Louis R., a Person Coming Under the Juvenile Court Law. The People, v. Louis R.

The minor's commitment to DJJ is affirmed. The matter is remanded to the juvenile court for its exercise of discretion to set the minor's maximum term of commitment in accordance with the facts and circumstances of this case. The juvenile court is ordered to complete the appropriate Judicial Council form reflecting the exercise of this discretion, to strike the conduct conditions imposed at the dispositional hearing, and to complete and file an amended minute order and commitment order reflecting that the minor is to receive credit for 66 days served prior to his delivery to DJJ. The amended commitment order shall be transmitted to DJJ. Sepulveda, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 7, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J. and Jenkins, J.; and B. Robbins and L. Phonseya, Deputy Clerks.

A125115 In re R.M.
 The People.
 v.
 R.M.
Cause called and argued by Gary Steven Garfinkle, counsel for appellant, and Ronald E. Niver, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Siggins, J. joined the bench.

A126843 Pandurangan Vijayanand et al.,
 v.
 Saravan Paramashivan.
Cause called and argued by Rita Gunasekaran, counsel for appellant, and Anand Paul Singh Judge, counsel for respondent. Cause ordered submitted.

Court Adjourned

Thursday, July 8, 2010

Division One

A127278 – In re M.C., a Person Coming Under the Juvenile Court Law. The People, v. M.C.

The judgment is affirmed. Dondero, J., We concur; Margulies, Acting P.J., Banke, J. (Not for Publication.)

Division Two

A124742 – The People, v. John Norris Hanks.

BY THE COURT: It is ordered that the opinion filed herein on June 30, 2010, be modified as follows:

The San Mateo County Superior Court number adjacent to the caption on page 1 of the opinion should be changed from SC061488A to SC011047A.

This modification does not effect a change in the judgment. Haerle, Acting P.J. (Not for Publication.)

Division Three

A126630 – The People, v. Stephanie Lyn Iovino.

BY THE COURT: It is ordered that the opinion filed herein on June 25, 2010, be modified as follows. The second sentence in the Disposition should be deleted and replaced with the following sentence.

“The matter is remanded to the trial court with instructions to amend the minute order from August 31, 2009, to reflect additional presentence credits and then to forward the corrected minute order to the Probation Department.” McGuiness, P.J. (Not for Publication.)

A123927 – The People, v. Christopher Casarez.

A126667 – In re Christopher Casarez, on Habeas Corpus.

The matter is remanded with instructions to modify the judgment to reflect that under counts III and V have been stayed pursuant to section 654, but in all other respects the judgment is affirmed. Pollak, J., We concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Thursday, July 8, 2010(Continued)

Division Four

A126696 – Elizabeth Sullivan, v. James Knobeloch.

The order is affirmed. Sepulveda, J., We concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A122443 – The People, v. Kalvyn Winters, et al.

Each appellant's sentence is modified to reflect a total term of nine years on count three. On count three, the one-year enhancements imposed pursuant to section 12022, subdivision (a)(1) are stricken. The trial court is directed to prepare amended abstracts of judgment that reflect this ruling and to forward copies of the amended abstracts of judgment to the California Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects. Bruiniers, J., We concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A124289 – The People, v. Richard Jeffrey Gates.

BY THE COURT: Appellant's application for modification filed on June 25, 2010, is granted. The opinion filed on June 18, 2010, is modified as follows: (See order.)

The modification does not change the judgment. Simons, Acting P.J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 8, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Harjit Singh, Bailiff.

The panel for the first case on calendar is P.J. Marchiano, J. Margulies, and J. Dondero.

A126247 Hearing Dog Program,

v.

San Francisco Society for the Prevention of Cruelty to Animals.

Cause called and argued by Mark Himmelstein, counsel for appellant, and Benjamin Shatz, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, J. Margulies left the bench.

A126369 In re X.T.

People,

v.

X.T..

Cause called and argued by Alex Coolman, counsel for appellant, and Martin Kaye, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 8, 2010

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Margulies, Acting Presiding Justice, Dondero, Justice, Richman, Justice, Raquel Arellano, Deputy Clerk, and CHP Officer James Militar, Bailiff.

- A125812 Mary L. Richtenburg,
v.
Wells Fargo Bank, N.A.
Cause called and waived by Gilmur Murray, counsel for appellant, and James Martin, counsel for respondent. Cause ordered submitted.
- A124641 At this point in the proceedings, J. Richman left the bench and J. Banke joined.
Howard R. Mullin, et al.,
v.
Valley of California, Inc.
Cause called and argued by Susan Popik, counsel for appellants, and Michael Davidson, counsel for respondent. Cause ordered submitted.
- A123298 Lakeshore Views HOA,
v.
Pin Lian Tu.
Cause called and argued by Pin Tu, appellant in propria persona, and Paul Terry, counsel for respondent. Cause ordered submitted.

Court Adjourned

Friday, July 9, 2010

Division One

A125927 – David B. Reeves, v. MV Transportation, Inc.

The judgment is affirmed. Marchiano, P.J., Margulies, J., Dondero, J. (Certified for Publication.)

A126773 – In re K.M., a Person Coming Under the Juvenile Court Law. Contra Costa County Family Bureau of Children and Family Services, v. Kendrick M.

The judgment of the trial court is affirmed. Margulies, J., We concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

A128409 - A.A., v. The Superior Court of Solano County, R.P.I. Solano County Health and Social Services Department - Child Welfare Services et al.

The petition for extraordinary writ is denied on the merits. (Se Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. Marchiano, P.J., We concur: Margulies, J., Banke, J. (Not for Publication.)

Division Two

A126106 – In re L.C., et al., Persons Coming Under the Juvenile court Law. Alameda County Social Services Agency, v. James C.

The orders appealed from are affirmed. Haerle, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Five

A126139 – Michelle Livengood, v. Workers' Compensation Appeals Board et al.

The WCAB's order denying reconsideration is annulled. The matter is remanded for reconsideration consistent with the views expressed herein. Simons, Acting P.J., We concur: Needham, J., Bruiniers, J. (Not for Publication.)

Monday, July 12, 2010

Division One

A125686 – In re G.W. et al., Persons Coming Under the Juvenile Court Law. Marin County Department of Health and Human Services, v. B.T.

The juvenile court orders from which Mother has appealed are affirmed. Banke, J., We concur: Margulies, Acting P.J., Dondero, J. (Not for Publication.)

A123564 – Martin McNerney Development, Inc., v. Gold River Contractors.

The judgment of the trial court is affirmed. Margulies, J., Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A126525 – Service Employees International Union, Local 1000 et al., v. Arnold Schwarzenegger et al. And related Cross-Complaint.

BY THE COURT: The opinion in the above-entitled matter filed on June 11, 2010, was not certified for publication in the Official Reports. For good cause, the request for partial publication by the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) is granted.

Pursuant to California Rules of Court, rules 8.1105 and 8.1120, the opinion in the above-entitled matter is ordered certified for partial publication including only (1) the first paragraph on page 1, beginning with the words, "This litigation was initiated by" and concluding on page 3 in the first full paragraph with the words, "and dispositive of the first two issues"; and (2) the second paragraph on page 9, beginning with the words, "In sum, we conclude" through the end of the opinion on page 13. Kline, P.J. (Certified for Partial Publication.)

A125892 – Deborah Koons Garcia, v. Jerry Garcia Estate LLC et al.

The order confirming the arbitration award is affirmed. Respondents shall recover costs on appeal. Richman, J., We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A126843 – Guardianship of A.P., a Minor. Pandurangan V. et al, v. Saravan P.

The order denying the guardianship petition is affirmed. Pollak, J., We concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Monday, July 12, 2010(Continued)

Division Five

A126526 – Diana Olsen-Allen, v. City of Oakland.

The summary judgment is affirmed. Costs to respondent. Simons, J., We concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, July 13, 2010

Division One

A123893 – Ana Silva Yanez, v. Soma Environmental Engineering, Inc., et al.

BY THE COURT: It is ordered that the opinion filed herein on June 24, 2010 be modified as follows: (See order.)

There is no change in the judgment.

Respondent SOMA Environmental Engineering, Inc.'s petition for rehearing is denied. Margulies, Acting P.J. (Certified for Publication.)

Division Two

A125254 – R. Brian Hines et al., v. California Coastal Commission, Board of Supervisors of Sonoma County, et al., R.P.I. Steven M. Star et al.

BY THE COURT: The opinion in the above-entitled matter filed on June 17, 2010 was not certified for publication in the Official Reports. For good cause, the request for publication by respondents County of Sonoma and Board of Supervisors is granted.

Pursuant to California Rules of Court, rules 8.1105 and 8.1120, the opinion in the above-entitled matter is ordered certified for publication in the Official Reports. Kline, P.J. (Certified for Publication.)

A126519 – In re Zachariah E., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Sabrina E., Cynthia S., et al.

The orders are affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

Wednesday, July 14, 2010

Division Two

A124415 – The People, v. Edwin John Tayag.

The appeal from the court's judgment is dismissed. Defendant's ineffective assistance of counsel claim is denied. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A124896 – The People, v. Quando Lecharles Tremble.

The judgment is affirmed. Lambden, J., We concur: Haerle, Acting, P.J., Richman, J. (Not for Publication.)

Division Five

A125418 – In re Anthony T., a Person Coming Under the Juvenile Court Law. The People, v. Anthony T.

The dispositional order is reversed. The case is remanded to the juvenile court to remove the section 707(b) designation to send an amended dispositional order to the DJJ. Jones, P.J., We concur: Simons, J., Needham, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Wednesday July 14, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Simons, Acting P.J., Needham, Jr., J. and Bruiniers, J.; and Joshua Chow, Deputy Clerk.

- A123055 Mike Rudden et al.,
Plaintiffs,
Insurance Associates of Northern California,
v.
Globe Indemnity.
Cause called and argued by Lisa Pan, counsel for appellant Insurance Associates of Northern Cal., and by Donald McMillan, counsel for respondent. Cause ordered submitted.
- A124449 Jose Melchor et al.,
v.
Children's Hospital of Oakland et al.,
Defendants;
Jorge Pena and Gina Marie Adair.
Cause called and argued by Albert Kun, counsel for appellant, and by Todd Baxter, counsel for respondents Jorge Pena and Gina Marie Adair. Cause ordered submitted.
- A124445 Jose Melchor et al.,
v.
Children's Hospital of Oakland et al.,
Defendants;
Fresno University Hospital.
Cause called and argued by Albert Kun, counsel for appellant, and by Andrew Weiss, counsel for respondent Fresno University Hospital. Cause ordered submitted.
- A124448 Jose Melchor et al.,
v.
Children's Hospital of Oakland et al.,
Defendants;
Mercy Medical Center Merced.
Cause called and argued by Albert Kun, counsel for appellant, and by Robyn Roberts, counsel for respondent Mercy Medical Center Merced. Cause ordered submitted.

- A124999 Araceli Vitug,
v.
Alameda Point Storage Inc.
Cause called and argued via teleconference call by Ron Bochner, counsel for appellant, and by Lois Lindstrom, counsel for respondent. Cause ordered submitted.
- A126237 Jorge Vidrio,
v.
Victor Hernandez.
Cause called and argued by Brenda Keith, counsel for appellant, and by Mark Epstein, counsel for respondent. Cause ordered submitted.
- A124955 People,
v.
Alfredo Garcia Pangilinan.
Cause called and argued by Philip Brooks, counsel for appellant, and by Violet Lee, counsel for respondent. Cause ordered submitted.
- At this point in the proceedings, Justice Bruiniers left the bench, and Acting Presiding Justice Simons explained to counsel for the last two cases that Justice Jones was not present; however, she will listen to the audio recording of the oral argument. Counsel waived.
- A126149 Cotchett Pitre & McCarthy,
v.
Universal Paragon Corporation et al.
Cause called and argued by Daniel Kolkey, counsel for appellants, and by Nancy Fineman, counsel for respondent. Cause ordered submitted.
- At this point in the proceedings, Justice Needham, Jr. left the bench, and Justice Bruiniers entered.
- A124384 Paul Cobb
A124844 v.
Velda M. Berkeley.
Causes called and argued by Ronald Carter, counsel for appellant, and by Clinton Killian, counsel for respondent Paul Cobb. Causes ordered submitted.

COURT ADJOURNED

Thursday, July 15, 2010

Division Two

A119525 – The People, v. Christopher Crandall.

The judgment is reversed and the matter remanded to the trial court with instructions to grant appellant's motion for a new trial. Haerle, J., I concur: Richman, J. (See Concurring Opinion of Kline, P.J.) (Not for Publication.)

Division Three

A123229 – The People, v. Steven Douglas Burr.

The judgment is affirmed. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A125769 – Oliver McFarlane Phillips, v. City and County of San Francisco.

BY THE COURT: The petition for rehearing is denied. Pollak, Acting P.J.

Division Four

A126283 – La Serena Properties et al., v. Gerald Weisbach et al.

The judgment in favor of respondents is affirmed. Costs on appeal are awarded to respondents. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J. (Certified for Publication.)

A123316 – River Garden Retirement Home, v. Franchise Tax Board.

We affirm the judgment (1) dismissing River Garden's cause of action for a refund of taxes based on the section 24402 dividends received deduction, following the sustaining of the FTB's demurrer without leave to amend; and (2) granting summary judgment in favor of the FTB on River Garden's cause of action for refund of the amnesty penalties. Reardon, J., We concur: Ruvolo, P.J., Rivera, J. (Certified for Publication.)

Division Five

A123225 – The People, v. Larry Lionel White.

Appellant's convictions on counts 3 and 5 are affirmed. Simons, J., We concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

Friday, July 16, 2010

Division Two

A126060 – The People, v. Jana A. Cahn.

Probation condition no. 3 is modified to read, “You shall seek and maintain gainful employment and keep your Probation Officer advised of your employer’s name and address.” In all other respects, the judgment is affirmed. Richman, J., We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A126777 – In re T.D., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. T.H.

The juvenile court’s ex parte denial of T.H.’s third section 388 petition is affirmed. Richman, J., We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A128441 – Michael Koeller, v. Association of Late Deafened Adults—East Bay Chapter et al.

Respondents’ motion to dismiss is granted. The appeal is hereby dismissed. In light of this, appellant’s July 12, 2010 motion for an order directing the superior court to file the record on appeal is denied as moot. Richman, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A124911 – The People, v. Jose Ruben Deleon.

The judgment is affirmed. McGuiness, P.J., We concur: Pollak, J., Jenkins, J. (Not for Publication.)

Monday, July 19, 2010

Division Two

A127105 – In re Jordan C. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Jessica M.

The judgment is affirmed. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Monday, July 19, 2010(Continued)

A125007 – Canon Manor West Citizens Group, v. City of Rohnert Park et al.

The judgment is affirmed. CMG is to pay the costs of appeal. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A127296 – Charan J. Kumar, v. Lords Insurance Agency, Inc.

The judgment is affirmed. Lords is to pay the costs of appeal. Lambden, J., We concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Division Three

A125115 – In re R.M., a Person Coming Under the Juvenile Court Law. The People, v. R.M.

The judgment is reversed and remanded for further proceedings consistent with this opinion. Pollak, J., We concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Five

A125471 – Fred Tomlinson et al., v. County of Alameda et al., R.P.I. Y.T. Wong et al.

BY THE COURT: On July 19, 2010, this court denied the petition for rehearing filed by respondent County of Alameda.

On July 14, 2010, after filing its petition for rehearing, the County of Alameda sent the court a letter, advising it of a recent change in the publication status of *Hines v. California Coastal Commission* (A125254, June 17, 2010), which was not originally certified for publication. Because the recently-published decision in *Hines* warrants further consideration by this court, the court hereby grants rehearing on its own motion.

The court requests additional briefing on the following issue: (See order.)

The additional briefs must be in letter form and no more than three pages in length. An original and four copies of the letter briefs must be concurrently filed and served by August 3, 2010. Simons, Acting P.J. (Not for Publication.)

Tuesday, July 20, 2010

Division One

A126029 – The People, v. Jeffrey Rico Casillas.

Probation conditions Nos. 3, 4, 5, 6, and 7, are modified to read: “Defendant is prohibited from possessing a weapon or associating with persons known to be in possession of weapons; prohibited from wearing any known gang-related paraphernalia (including, but not limited to, gang graffiti, symbols, photographs, members’ rosters, or other gang writings) and gang-oriented publications (including, but not limited to, the magazines *Teen Angels* and *Street Life*); prohibited from acquiring any known gang-related tattoos, permanent or temporary, and/or any gang-related burns/marks; prohibited from being present at any court proceedings involving known gang members to whom he/she is not a party or a subpoenaed witness.” Except to the extent of these modifications, the judgment of the trial court is affirmed. Margulies, Acting P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

Division Two

A126311 – In re Benjamin P., a Person Coming Under the Juvenile Court Law. San Mateo Human Services Agency, v. T.H.

The orders are conditionally reversed, and the matter is remanded for inquiry and notice in compliance with ICWA and state law. If, after proper notice, any tribe claims Benjamin is an Indian child, the juvenile court shall proceed in conformity with ICWA and state law. If no tribe responds or claims Benjamin is an Indian child, the orders shall be reinstated. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

A124055 – The People, v. Niles Urry.

The judgment is affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, July 20, 2010

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Singh and I. Santos, Deputy Clerk.

A126233 In re Robert Miranda on Habeas Corpus.
Cause called and argued by Chris Redburn, counsel for appellant, and Sara J. Romano, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Lambden left the bench and Justice Haerle joined the bench for the remainder of the calendar.

A120428 The People,
v.
John Davis.
Cause called and argued by Stephen B. Bedrick, counsel for appellant, and Michael Chamberlain, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A126260 The People,
v.
Roderic Dewberry.
Cause called and argued by Dorothy Bischoff, counsel for appellant, and Christopher W. Grove, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A121901/
A126649 The People,
v.
Jamel Durden.
In re Jamel Durden on Habeas Corpus.
Cause called and argued by Abigail Rezneck, counsel for appellant/petitioner, and Rene Chacon, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A125732 Benjamin, Weill & Mazer, APC,
v.
Nancy Kors.
Cause called and argued by Gary Garfinkle, counsel for appellant, and Andrew

Weill, counsel for respondent. Cause to be submitted. The Court may possibly order supplemental letter briefs pending decision in the California Supreme Court case S165906 Haworth et al. v. Superior Court of Los Angeles Co. (Susan Amy Ossakow, Real Party in Interest). Parties will be notified by the clerk.

Court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, July 20, 2010

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer Militar and I. Santos, Deputy Clerk.

A123709 The People,
 v.
 James Edward Jones.
Cause called and argued by Alan Siraco, counsel for appellant, and Certified Law Student, Molly Friend, supervised by Allan Yannow, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A125319 The People,
 v.
 Randy Oliver.
Cause called and argued by Robert Condie, counsel for appellant, and Certified Law Student, Kelly Kraetsch, supervised by Allan Yannow, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A115199 Bar-K Inc.,
 v.
 Security Title Corporation et al.
Cause called and argued by Andrew Scher, counsel for respondent/cross-appellant Bar-K Inc., Raymond A. Cardozo, counsel for respondent/cross-appellant First American, and Michael Veiluva, counsel for appellant Security Title Corporation et al. Cause ordered submitted.

At this point of the proceedings, Presiding Justice Kline left the bench and Justice Richman joined the bench for the remainder of the calendar.

A121855/
A122157 Airis Holdings et al.,
 v.
 City and County of San Francisco et al.
Cause called and argued by Bill Baron, counsel for appellant, and Warren Metlitzky, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Wednesday, July 21, 2010

Division One

A126382 – John H. Stewart, v. David Parris, as Public Administrator, etc.

The order denying plaintiff's motion for a preliminary injunction is affirmed. Dondero, J., We concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Five

A126685 – In re Karla C., a Person Coming Under the Juvenile Court Law. San Mateo County Human Services Agency, v. P.E., G.C.

The matter is remanded for further proceedings as described above. On remand, the juvenile court is also directed to clarify, in its revised disposition orders, that Father has been awarded temporary physical custody rather than sole legal and physical custody. In all other respects the juvenile court's orders are affirmed. The parties are to bear their own costs on appeal. Bruiniers, J., We concur: Simons, Acting P.J., Needham, J. (Certified for Partial Publication.)

Thursday, July 22, 2010

Division Two

A127069 – Estate of Grant William Hastie, Deceased. Steven A. Weinkauff, v. Timothy Florez.

The judgment is affirmed. Haerle, J., We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Five

A124228 – The People, v. Nicola Christopher Bucci.

BY THE COURT: The petition for rehearing is denied. Simons, Acting P.J.

Friday, July 23, 2010

Division One

A123911 – Joe Abuzaid, individually and on behalf of the City and County of San Francisco, v. Pier 39 Limited Partnership.

The order of the trial court denying Pier 39's motions is affirmed. Margulies, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A125345 – The People, v. Derrick Gaines.

The judgment is affirmed. Richman, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A127772 – First Assembly of God Christian Center of Pittsburg, CA. et al., v. The Superior Court of Contra Costa County, R.P.I. Bridgeway, et al.

BY THE COURT: The opinion filed herein on July 6, 2010 is modified. On page 4, after the last paragraph, the following is added: (See order.)

These changes do not effect a change in the judgment.

The petition for rehearing is denied. Haerle, Acting P.J. (Not for Publication.)

Division Three

A123470 – The People, v. Kevin Barry Edwards.

BY THE COURT: It is ordered that the opinion filed herein on June 28, 2010, be modified as follows: (See order.)

There is no change in judgment. The petition for rehearing is denied. McGuiness, P.J. (Not for Publication.)

Division Four

A123061 – The People, v. Anthony Scott Cape.

The judgment is affirmed. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Friday, July 23, 2010(Continued)

A124818 – The People, v. Yohan Perez Lopez.

The judgment is modified to award conduct credit of 71 days under Penal Code section 2933.1, subdivision (c), in addition to the 479 days credited for actual time served, for total presentence credit of 550 days. The trial court is directed to amend the abstract of judgment to state the correct amount of presentence credit and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed. Sepulveda, J., We concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A126707 – In re L.M., a Person Coming Under the Juvenile Court Law. The People, v. L.M.

We affirm the juvenile court's commitment of appellant to DJJ. We also direct the juvenile court to prepare an amended commitment order to reflect 3 additional days of predisposition custody credit, equaling a total of 243 days, and to forward a certified copy of that order to DJJ. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A125590 – The People, v. Michael James Chapman.

The judgment is affirmed. Jones, P.J., We concur: Simons, J., Needham, J. (Not for Publication.)

Monday, July 26, 2010

Division Two

A124685 – Juli Inman et al., v. Jon E. Cropsey.

Appellant's motion for summary judgment is denied. The trial court's order is affirmed in its entirety. Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A126222 – In re L.C., a Person Coming Under the Juvenile Court Law. The People, v. L.C.

The jurisdiction and disposition orders are affirmed. Pollak, J., We concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

Monday, July 26, 2010(Continued)

A125579 – The People, v. Michael David Knight.

The judgment is affirmed. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A127651 - The People, v. Darius Michael Williams.

The judgment is affirmed. McGuiness, P.J., We concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A122485 – California School Boards Association et al., v. State Board of Education, R.P.I. Aspire Public Schools, Inc.

The demurrers to the first three causes of action should not have been sustained. Accordingly, we reverse as to those causes of action and also as to the fourth and fifth causes of action seeking injunctive and declaratory relief predicated on the same allegations.

The judgment is reversed and the cause is remanded. Rivera, J., We concur: Ruvolo, P.J., Sepulveda, J. (Certified for Publication.)

Division Five

A126621 – Patricia J. Blades, v. Roberto A. Grau.

BY THE COURT: Appellant's "application for rehearing" received by this court on July 22, 2010, is construed as an application to file a late petition for rehearing. So construed, the application is granted.

The petition for rehearing is denied. Needham, Acting P.J.

Tuesday, July 27, 2010

Division One

A126369 – In re X.T., a Person Coming Under the Juvenile Court Law. The People, v. X.T.

The order finding X.T. in violation of his probation is affirmed. Banke, J., We concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

Tuesday, July 27, 2010(Continued)

A124503 – In re the Marriage of Sandra S. and Gregory S. Bauer. Sandra S. Bauer, v. Gregory S. Bauer.

The order denying the motion to modify spousal support is affirmed. Marchiano, P.J., We concur: Margulies, J., Dondero, J. (Not for Publication.)

A127104 – The People, v. Michael Andrew Savage.

The judgment is affirmed. Banke, J., We concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A117341 – The People, v. Yer Yang.

A123786 - In re Yer Yang, on Habeas Corpus.

Yang's appeal is deemed a petition for writ of mandate, as is his consolidated "Petition for Writ of Habeas Corpus, Mandate and/or Prohibition," and the petition is denied. The April 8, 2009 order staying enforcement of the residency restrictions contained in section 3003.5, subdivision (b), against Yang, is vacated. Kline, P.J., We concur: Haerle, J., Richman, J. (Not for Publication.)

Division Three

A128139 – The People, v. Ander John Young, Jr.

The judgment is affirmed. Pollak, Acting P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A124572 – In re J.M., a Person Coming Under the Juvenile Court Law. The People, v. J.M.

The order is affirmed. Ruvolo, P.J., We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Tuesday, July 27, 2010(Continued)

A121646 – The People, v. Delbert Leslie Miller.

We need not and do not address appellant's cumulative prejudice argument because there was no cumulative error. The judgment of conviction is affirmed. Reardon, Acting P.J., We concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A125017 – The People, v. John Denton Simpson, Jr.

The judgment is affirmed. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A124038, A124048 – Cellphone Fee Termination Cases.

BY THE COURT: It is ordered that the opinion filed herein on June 28, 2010, be modified as follows: (See order.)

There is no change in the judgment.

The opinion in the above-entitled matter filed on June 28, 2010, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. Bruiniers, Acting, P.J. (Certified for Partial Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, July 27, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J.; Sepulveda, J.; Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Ricky Franklin, Bailiff.

A122830 People
v.
Gerry Phongboupha
Cause called. Ozro Childs argued for appellant Phongboupha. Amy Haddix argued for respondent. Cause submitted.

For the next case, the court reconstituted itself to include Ruvolo, P.J.; Reardon, J., and Sepulveda, J.

A125679 California Correctional Peace Officer's Association et al.
v.
State of California et al.
Cause called. David Burnett argued for appellants CCPOA et al. David Tyra argued for respondents. James C. Spurling appeared for respondent, but did not argue. Cause submitted.

For the next case, the court reconstituted itself to include Ruvolo, P.J.; Reardon, J., and Rivera, J.

A127389 Pacific Specialty Insurance
v.
Mercury Casualty Company
Cause called. Lee O'Connor teleargued for appellant Mercury. Raymond Coates argued for respondent. Cause submitted.

A125257 People
v.
Nathan Bryan Kinkade
Cause called. Maria Morga argued for appellant Kinkade. Sharon Birenbaum argued for respondent. Cause submitted.

A126144 Service Employees International Union, Local 1021
v.
Chabot-Las Positas Community College District et al.
Cause called. Anne Yen argued for appellant SEIU. Laura Schulkind argued for

respondents. Cause submitted.

Court recessed at 10:28 a.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, July 27, 2010

The Court reconvened at 1:03 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Sepulveda, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer Harjit Singh, Bailiff.

A124660 People of the State of California
v.
Byron Bonnell
Cause called. David Krueger appeared by telephone and argued for appellant Bonnell.
Deputy Attorney General Laurence K. Sullivan argued for respondent State of
California. Cause submitted.

A121569 John Doe 4A et al
and v.
A123187 American National Fire Insurance Company
Cause called. Peter J. Whalen and Kathryn C. Ashton argued for appellant American National. Tony J. Tanke argued for respondents John Doe 4A, et al. Causes submitted.

A125692 KDF Post Street, et al
v.
San Francisco Rent Stabilization And Arbitration Board, et al
Cause called. Clifford Fried argued for appellant KDF Post Street. Deputy City Attorney Wayne Snodgrass argued for respondent Rent Stabilization Board. Raquel Fox appeared on behalf of the real parties in interest, but did not address the court. Cause submitted.

The court recessed at 2:27 p.m., and reconvened at 2:33 p.m. Argument resumed before Ruvolo, P.J., Reardon, J., and Sepulveda, J.

A124735 People of the State of California
v.
Dwayne Bruce Lee
Cause called. Candace Hale argued for appellant Lee. Deputy Attorney General Eric
Share argued for respondent State of California. Cause submitted.

A126228 Daniel Cohn et al.,
v.
First American Title Insurance
Cause called. Erica Villanueva argued for appellants Cohn, et al. Edward Smith

argued for respondent First American Title. Cause submitted.

At this point, Ruvolo, P.J., left the bench and Rivera, J., returned to the bench. Argument continued before Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A123366 People of the State of California
v.
Dwayne Bruce Lee
Cause called. Gene Vorobyov argued for appellant Lee. Certified Law Student
Fabien Thayambali argued for respondent State of California, supervised by Deputy
Attorney General Allan Yannow. Cause submitted.

The court adjourned at 3:21 p.m.

Wednesday, July 28, 2010

Division One

A126903 – Michael John Walton, v. County of Lake et al.

The judgment is affirmed. Banke, J., We concur: Margulies, Acting P.J., Dondero, J.
(Not for Publication.)

Division Two

A127149 – The People, v. Derrice T. Lewis.

The judgment is affirmed. Haerle, Acting P.J., We concur: Lambden, J, Richman, J.
(Not for Publication.)

Division Three

A126217 – Rick L. Schwartz et al., v. Steve Poizner, as Insurance Commissioner, etc.

The order dismissing the Commissioner is affirmed. Pollak, J., We concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A128639 – J.F., v. The Superior Court of Alameda County, R.P.I. Alameda County Social Services Agency et al.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888,894.) Since the permanency planning hearing is set for September 13, 2010, our decision is immediately final as to this court. (Cal. Rules of Court, rule 8.490(b)(3).) Pollak, J., We concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Division Four

A126274 – The People, v. Juan Carlos Perez.

The judgment is affirmed. Ruvalo, P.J., We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Wednesday, July 28, 2010(Continued)

A127045 – In re Jesse R., a Person Coming Under the Juvenile Court Law. The People, v. Jesse R.

We reverse the jurisdictional order as to the robbery, and affirm as to the aggravated assault. Reardon, J., We concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A127351 – Jonathan Cullen, v. Matthew Martinez.

The trial court's order is affirmed. Respondent shall recover his costs on appeal. Sepulveda, J., We concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 28, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuinness, P.J., Siggins, J. and Jenkins, J.; and B. Robbins and L. Phonseya, Deputy Clerks.

A122779 The People,

v.

Bret William Bogue.

Cause called and argued by Eleanor M. Kraft, counsel for appellant, and Alisha M. Carlile, counsel for respondent. Cause ordered submitted.

A122913 County of Sonoma,

v.

Manuel A. Brazil et al.

Cause called and argued by Frear Stephen Schmid, counsel for appellant, and Debbie F. Latham, counsel for respondent. Cause ordered submitted.

A124248 The People,

v.

Mayhue Titus Johnson.

Cause called and argued by John Wilder Lee, counsel for appellant, and Michael E. Banister, counsel for respondent. Cause ordered submitted.

Court Adjourned.

Thursday, July 29, 2010

Division One

A124211 – Giovanni Zocca, v. Raffaele Zoca et al. Giovanni Zocca, v. Raffaele Zocca. Giovanni Zocca, v. Salvatore Cortara.

The orders appealed from are affirmed. Margulies, Acting P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

A126518 – In re Danielle B., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department, v. S.B.

The jurisdictional findings and dispositional orders are affirmed. Dondero, J., We concur: Margulies, Acting P.J., Banke, J. (Not for Publication.)

A125828 – James Woodmansee et al., v. Naum Volovets.

The appeal is dismissed. Costs are awarded to plaintiffs. Margulies, J., We concur: Marchiano, P.J., Banke, J. (Not for Publication.)

Division Two

A126233 – In Re Robert Miranda, On Habeas Corpus.

The petition for writ of habeas corpus is granted. The Governor is hereby ordered to vacate his decision of January 22, 2009, which reversed the Board's August 2008 grant of parole. The Board's August 2008 grant of parole is reinstated. In the interests of justice, this opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387(b)(3)(A).) Lambden, J., We concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A127148 – The People, v. Kimberly Brooks.

The matter is remanded to the trial court with instructions to recalculate appellant's custody credits in a manner consistent with this opinion and to deliver a certified copy of an amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other regards. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Thursday, July 29, 2010(Continued)

A125592 – The People, v. Robert Edward Elmore.

The judgment is affirmed. The matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect the additional credit to which defendant is entitled and to deliver a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. Jenkins, J., We concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Division Four

A126600 – The People, v. Raybian Keno Wilson.

The matter is remanded to the trial court with direction to recalculate the defendant's credits under amended section 4019. The trial court shall then prepare an amended abstract of judgment, and forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Ruvolo, P.J., We concur: Sepulveda, J., Rivera, J.

Division Five

A126077 – Diane Tucker et al., v. Pacific Bell Mobile Services et al.

The order is reversed insofar as it awards monetary sanctions for costs related to the taking of a future deposition. The matter is reversed and remanded. On remand, the court shall recalculate the amount of sanctions awarded to defendants and shall limit those sanctions to "reasonable expenses..incurred" by defendants as a result of Franklin's abuse of the discovery process. (§ 2023.030, subd. (a).) If applicable, the court shall report the sanctions to the State Bar pursuant to Business and Professions Code section 6086.7, subdivision (a)(3) and Franklin shall report the sanctions to the State Bar pursuant to Business and Professions Code section 6068, subdivision (o)(3). In all other respects we affirm the order. Each party to bear its own costs on appeal. Jones, P.J., We concur: Simons, J., Bruiniers, J. (Certified for Publication.)

A122408 – Salvio Street LLC, v. Albert Lee.

A123080 – Salvio Street LLC, v. Albert Lee.

The judgment and order denying an award of attorney fees are affirmed. The costs order is modified to reduce the allowed costs by \$49.

Sanctions are awarded to Lee in the amount of \$1,000, payable by Salvio Street and its counsel. Sanctions in the amount of \$1,000 are assessed against Salvio Street and its counsel, payable to clerk of this court. Sanctions shall be paid no later than 15 days after the date the remitter is filed. The clerk of this court is directed to deposit said sum in the general fund. The clerk of this court is directed to forward a copy of this opinion to the State Bar upon return of the remitter. (Bus. & Prof. Code, § 6086.7, subd. (c).)

Thursday, July 29, 2010(Continued)

As modified and in all other respects the judgment is affirmed. Salvio Street shall recover its costs on Lee's appeals. Lee shall recover his costs on Salvio Street's fee appeal. Bruiniers, J., We concur: Jones, P.J., Simons, J. (Not for Publication.)

Friday, July 30, 2010

Division One

A126895 – The People, v. Jose Juan Benavidas-Gonzalez.

We find no arguable issues requiring further briefing and, accordingly, affirm the judgment. Margulies, Acting P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

A128321 – The People, v. Abdul Hadi Awad.

The order revoking defendant's outpatient status is affirmed. Marchiano, P.J., We concur: Margulies, J., Banke, J. (Not for Publication.)

A127567 – In re B.G., a Person Coming Under the Juvenile Court Law. The People, v. B.G.

The jurisdictional and dispositional findings and orders are affirmed. Marchiano, P.J., We concur: Dondero, J., Banke, J. (Not for Publication.)

A125019 – The People, v. Harold Daniel Schultz.

The order for probation is affirmed. Marchiano, P.J., We concur: Margulies, J., Dondero, J. (Not for Publication.)

Division Two

A124963 – In re the Marriage of Esther Adams and Mahmoud Ali. Esther Adams, v. Mahmoud Ali.

The lower court's rulings appealed from are affirmed. Respondent is awarded her costs on appeal. Lambden, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Friday, July 30, 2010(Continued)

**A126225 – In re Christopher M., a Person Coming Under the Juvenile Court Law.
The People, v. Christopher M.**

A128176 – In re Christopher M., a Minor, on Habeas Corpus.

The disposition order is affirmed on the appeal, and the petition for habeas corpus is denied. Richman, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A121901 – The People, v. Jamel Durden.

A126649 – In re Jamel Durden, on Habeas Corpus.

The petition for writ of habeas corpus is granted, and the judgment of conviction is reversed. In light of our resolution of this matter the related appeal in No. A121901 is dismissed as moot. Pursuant to Business and Professions Code section 6086.7, subdivision (a)(2), a copy of this opinion will be sent to the State Bar for such disciplinary action, if any, it may deem appropriate. Richman, J., We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A126736 – The People, v. Richard Anthony Hoffman.

For the foregoing reasons, the judgment is affirmed. Kline, P.J., We concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

A122779 – The People, v. Bret William Bogue.

The judgment is affirmed. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

A122913 – County of Sonoma, v. Manuel A. Brazil, et al.

The judgment filed on July 7, 2008 is affirmed as to the trial court's findings regarding the County's entitlement to a permanent injunction. Paragraph 1 of the permanent injunction is affirmed. Paragraphs 2, 3, and 4 of the permanent injunction are reversed. The matter is remanded to the trial court with directions to strike paragraphs 3 and 4 of the permanent injunction, and to clarify the prohibition in paragraph 2 of the permanent injunction, consistent with the views expressed in this opinion. The order filed on September 26, 2008, awarding attorney fees to the County is affirmed. The County is awarded costs on appeal. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Friday, July 30, 2010(Continued)

A125410 – The People, v. Frenchie Branden.

The matter is remanded for the trial court to make a determination as to whether appellant is qualified to receive the benefit of section 4019, as amended. The judgment is affirmed in all other regards. McGuiness, P.J., We concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Five

A124445 – Jose Melchor et al., v. Fresno Community Hospital and Medical Center.

The judgment is affirmed. Needham, J., We concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

A124448 – Jose Melchor et al, v. Mercy Medical Center Merced.

The judgment is affirmed. Needham, J., We concur: Simons, Acting, P.J., Bruiniers, J. (Not for Publication.)

A124449 – Jose Melchor et al., Jorge Pena et al.

The judgment is affirmed. Needham, J., We concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)